

SECTION 3

Comments Received on the Public Draft EA/IS and Responses to Comments

3.1 Comments Received on the Public Draft EA/IS

The agencies distributed the Public Draft EA/IS on June 12, 2000, and provided a 30-day period for public and agency review, which ended July 13, 2000. In addition, the agencies conducted a public meeting on June 22, 2000, in Redding, California, at the Doubletree Hotel to receive oral comments on the Public Draft EA/IS. Flipchart notes were taken at the meeting.

Table 3-1 provides a list of those who submitted written and oral comments during the public and agency Public Draft EA/IS review period, the organization represented by the commentor (if applicable), the number assigned to each commentor, and the comment numbers assigned to each comment within each letter or oral comment. Commentor's names from letters containing handwritten signatures were interpreted with the hope that the interpretation was accurate, although in some cases the commentors' signatures on the comment letters were illegible.

TABLE 3-1
List of Commentors on the Public Draft EA/IS

Commentor Number	Comment Numbers	Commentor Name/Agency
1	1-1 through 1-2	Bob & Cathy Hutchins
2	2-1 through 2-16	Donald R. Lamb
3	3-1	Donald R. Lamb
4	4-1 through 4-9	Steven B. McCarthy, McCarthy & Rubright, LLP
5	5-1 through 5-6	Walter P. McNeill, Attorney for Clear Creek CSD
6	6-1 through 6-7	Steven L. Evans, Friends of the River
7	7-1 through 7-4	John Merz, Chair, Board of Directors, Sacramento River Preservation Trust
8	8-1 through 8-2	Elizabeth Brink, River Revival Coordinator International Rivers Network
9	9-1 through 9-2	Richard Baumann
10	10-1 through 10-2	John C. Raine, New Hogan Lake Conservancy
11	11-1 through 11-4	Charles Kuhn, PE Kuhn & Kuhn
12	12-1 through 12-2	Corley Phillips
13	13-1 through 13-2	Greg Engelbach
14	14-1 through 14-3	Valerie F. Olson
15	15-1	Traci Sheehan
16	16-1 through 16-4	Robert N. Ferroggiaro, Vice President, Federation of Fly Fishers
17	17-1	Dr. Andrew Jones

TABLE 3-1
List of Commentors on the Public Draft EA/IS

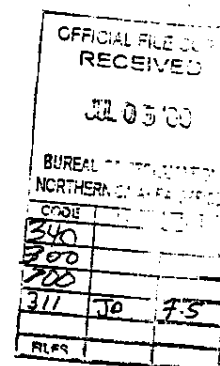
Commentor Number	Comment Numbers	Commentor Name/Agency
18	18-1 through 18-2	Kay Sullivan
19	19-1 through 19-2	Peggy Risch
20	20-1	Bob & Diane Madgic
21	21-1 through 21-4	Allen Harthorn
22	22-1 through 22-3	Curtis Knight, California Trout, Inc.
23	23-1 through 23-5	Melinda Brown
24	24-1 through 24-2	Eve Ladwig-Scott
25	25-1 through 25-2	Elizabeth Brink
26	26-1 through 26-4	Dianna Thrasher
27	27-1	Matt Richardson
28	28-1	Mike Bogue, President, Norcal Fishing Guides & Sportsmen's Association
29	29-1 through 29-4	Scott A. Zaitz, California Regional Water Quality Control Board
30	30-1 through 30-2	Dave & Holli Swarts
31	31-1	Michael G. Mitchell, Economic Development Director, City of Redding
32	32-1 through 32-18	John R. Williams
33	33-1 through 33-5	Amelia T. Minaberrigarai, Attorneys for Westlands Water District
34	34-1 through 34-2	Dave & Holli Swarts
35	35-1	Larry Whitehead
36	36-1	Andrea Redamonti, California Department of Transportation
37	37-1 through 37-3	Donald R. Lamb
38	38-1 through 38-25	Saeltzer Dam Public Meeting
39	39-1	Terry Roberts, State Clearinghouse

3.2 Responses to Comments on the Public Draft EA/IS

Individual responses to comments on the Public Draft EA/IS are presented in this section.

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Bob & Cathy Hutchins
16424 Clear Creek Road
Redding, CA 96001
(530) 246-4272



June 30, 2000

Mr. Bufford Holt
 Bureau of Reclamation
 16349 Shasta Dam Blvd.
 Shasta Lake, CA 96019

Re: Saeltzer Dam Removal

Dear Mr. Holt:

This letter is in response to the environmental study for the removal of Saeltzer Dam project. We own two properties at 16424 and 16422 Clear Creek Road. The Townsend Flat water ditch runs through our eleven acre parcel. Seven households and our construction company are located in this immediate area.

- 1-1 { The ditch artificially sustains a high water table that provides water to our fire suppression reservoir and domestic drinking water wells for this parcel and the adjacent residents. Although we are not against the removal of the dam for environmental reasons, the lowering of the ground water table will leave us without drinking water and fire suppression capabilities.
- 1-2 { The deep wells in this area are either contaminated with sulfur or salt water. Therefore drilling deep water wells is not an alternative option for providing potable water. Prior to the removal of the ditch water, the parties involved in the removal must provide an adequate source of drinking and fire suppression water.

Your immediate attention to this matter is greatly appreciated and we will expect to see a remedy to the problem prior to any actions by the Bureau of Reclamation.

Sincerely,

Cathy Hutchins

Letter from Bob and Cathy Hutchins Dated June 30, 2000

- 1-1 As noted on page 3-5 of the EA/IS, landowners may expect a decrease in groundwater levels up to approximately 6.5 feet. The actual decrease at any particular location is expected to vary, depending on geologic conditions, proximity to the ditch, leakage along any particular stretch of ditch, and the proximity to other sources of water (i.e., creeks and washes). It is unlikely that a drop of 6.5 feet will lower groundwater levels below the screened depth of existing wells because seasonal reductions in groundwater levels currently exist – notably when the ditch is shut down in the late summer or early fall. Thus, well production is not expected to noticeably change along the ditch. Further, homeowners near Clear Creek likely have access to groundwater that is directly influenced by the creek itself. This will provide a relatively high quality source of water for domestic use. Centerville Community Services District (CSD) has also indicated that they may be able to supply potable water to residences near Honeybee Road, offering another source of water for nearby residences. However, homeowners will likely be required to pay for water delivery, similar to other customers of Centerville CSD. Paying for water service is not considered a significant impact.

Without information about the specific location and characteristics of the commentor's fire-suppression reservoir, it is impossible to determine the degree of change expected at the reservoir. If the reservoir is directly filled with ditch water, it will be dry following implementation of the project. If the pond fills during winter storms or from groundwater discharge during the spring, it may be necessary to line the pond to prevent seepage later in the season, or fill the pond with groundwater from wells. These measures are consistent with measures necessary in other, similar locations in the county, where homeowners must take precautionary measures to alleviate fire danger; therefore, the removal of the ditch is considered a less-than-significant impact.

- 1-2 As noted in response 1-1, a decrease in groundwater levels of up to approximately 6.5 feet is not considered a significant impact. Accordingly, no mitigation is required. The decreased water levels are not anticipated to affect existing groundwater wells. Individual ponds may need to be altered either through supplemental water from wells or by reducing seepage rates in the bottom of the ponds, or both. Further, as noted above, supplemental water, if needed, is available through installation of wells or through annexation to a water purveyor. Without knowing the exact geology near an individual well, it is impossible to determine whether sulfate concentrations will change, because it is possible that water leaking from the ditch is also interacting with the source of sulfur. Well owners currently experiencing noticeable concentrations of sulfate will likely continue to have sulfate following the implementation of the project. Drinking water from these wells is likely being treated by an over-the-counter filtration system and will likely be treated following project implementation. Therefore, the likely impact of the project on sulfate concentrations in groundwater is less than significant.

2

CH2M Hill
Michael A. Urkov
Environmental Planner
2525 Airpark Drive
Redding, CA 96001-2443

Re: Sasltzer Dam/Townsend Flat Project

Please excuse my emotional approach to this issue. Only recently have we become aware the Townsend Ditch will be closed with this project. We are a property owner across which the ditch flows and we have used and depended on the ditch for irrigation, ranching and domestic use. Although we do not have adducted rights to the water we have been allowed to use the water since our purchase of the property. The previous owners and partners in the Ditch Company were all aware of our usage. Many other residents in the area have and are using the water and depend on it for their domestic use.

Today was the first time I have seen the project report and have had only a short time to review it. It is my understanding you must have all comments by tomorrow, July 14, 2000. With this in mind I submit the following comments and questions:

- 2-1 { Negative Declaration; page xiii; d. The project will not have environmental effects what will cause substantial adverse effects on human beings, either directly or indirectly... Stand in my shoes and say not having the water will not effect us!
- 2-2 { Page 1-9; # 4. Terminate Water Delivery to the Ditch
The TFWDC would be responsible for the maintenance and would satisfy claims, if any, etc.
I and many other residents have and are forwarding claims. What of the easement, will it be relinquished, will the ditch be filled and leveled as it was before the ditch?
- 2-3 { Section 2.1; paragraph two; It appears the shareholders are being adequately compensated and cared for. The \$2 + million will buy a lot of cooperation. What a price to pay for an abandoned water district. This and they get the water rights through another method anyway. Perhaps CCSD can use their share to provide domestic water to the area where the low-income families live near the ditch.
- 2-4 { 3-5: Table 3-1; many of these species live in the ditch or in ponds near the ditch and will be effected when the water shuts off. My sons have caught trout from the ditch up to 12" long. Where does it say in the report what will really happen to all these fish.
- 2-5 { 3.1.2.2 Environmental Consequences. Paragraph two;
Direct impacts to vegetation along the ditch are difficult to quantify. So, spend some time on and around the ditch and see what you learn. It has its own environment which will be lost! Quantify that before you just write it off. Paragraph three; systematic removal of ditch plants, the ditch has been cleaned one time in 26 years with equipment and there were never any herbicide treatments on any of the ditch I covered afoot and on horseback over these 26 years! It looks flowery but it smells different!
Paragraph five; Nowhere in the report does it speak to our ranch, our cattle, and our irrigation system for three acres of eucalyptus trees supplemented by the Farm Bureau. No where does it speak to the residents who depend on the ditch for their domestic use. No where does it discuss our children and grandchildren's use of the ditch for recreation and fun. Guess we are not part of the ditch community.
- 2-6 { Figure 3-2; This does not depict or identify all the ponds and pastures in this area. Where are the pictures of the ponds which will dry up with the lowering of the level by 6.5'
- 2-7 { Page 3-21
3.2.2 Groundwater. Now here is a biggie. Where does it say most of the wells in the area are full of sulfur and the average inflow is about 1.5 gallons per minute. True, our well groundwater level is about 8' and we have some sulfur, but it is still one of the better wells. What effect is the closing going to really have on

Letter from Donald R. Lamb, Undated

- 2-1 One of the intents of the environmental document, as defined by National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), is to identify impacts that a project may have on the environment. Analyses included in the document concluded that, although the project will affect the environment, human-related impacts such as existing land use will not change because other nearby areas have similar land use characteristics without access to the Townsend Ditch. Therefore, it is reasonable to assume that land use near the ditch will continue if the ditch no longer diverted water. Further, supplemental sources of water are available through management of winter water, development of additional wells or storage for water from wells, or through direct purchase from a local water purveyor.
- 2-2 Claims relating to the ditch are partially addressed in the agreements signed by the Townsend Flat Water Ditch Company (TFWDC) shareholders and the U.S. Bureau of Reclamation (Reclamation) and California Department of Fish and Game (CDFG). The agreements are included as Appendix C of this document. Management of the ditch is not part of the Proposed Project. Currently, no plans exist to alter the ditch.
- 2-3 There is no requirement to use proceeds from the agreement for a specific purpose.
- 2-4 The list of species in Table 3-1 does not include threatened or endangered species that are afforded additional protection under either the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA). Many of these species, such as largemouth bass and green sunfish, are non-native species that have been introduced to the area. These species prey upon listed salmonid species, and removing these species from areas that contain listed salmonids will be beneficial. When the ditch is dewatered, any fish within the ditch will likely die unless attempts to rescue these fish are made. The ditch has been shut down in the past for maintenance purposes, and fish mortalities have not been a problem during these instances. The CDFG constructed a fish screen at the entrance to the ditch to prevent native salmonid species from access to the ditch. However, the screen has been ineffective in past years, and some salmonid species may have entered the ditch on occasion. During the summer, water temperatures in the ditch are typically too warm to support coldwater species such as trout.
- 2-5 Surveys of the ditch were conducted by a qualified botanist and biologist during the spring of this year (see page 3-9). As described on page 3-11, impacts to plant communities currently present along the ditch will vary depending upon site-specific conditions. In general, some areas along the ditch that currently support wetland and riparian habitat will likely trend towards more mesic conditions that support upland vegetation, while other areas, where hydrologic conditions permit, will remain relatively unchanged. Increased flows in lower Clear Creek downstream of Saeltzer Dam will improve riparian and wetland habitats in that area and thus benefit native fish and wildlife species. Because the TFWDC is at liberty to cease water diversions through the ditch at any time, those vegetation communities that exist along the ditch are always under some risk. The project, by preserving flows in

Letter from Donald R. Lamb Continued

lower Clear Creek, will provide permanent conditions that are favorable for creation and maintenance of riparian and wetland vegetation.

Section 3.8 discusses current land use and policies for the project area. Figure 3-7 includes the location of your parcel along the Townsend Ditch. Implementation of the Proposed Project will not impact existing land use designations. Residences and businesses that currently benefit from water seepage or unpermitted use of the water provided by the ditch will need to seek an alternate supply of water from another source. Potential sources include Centerville CSD, Anderson-Cottonwood Irrigation District (ACID), or wells.

- 2-6 The ditch is managed to provide water to the lands noted on Figure 3-2. The figure was developed based on information provided by TFWDC. Other direct diverters of the ditch were assumed to not be permitted water users and were not included on the figure.

Figure 3-2 depicts only those pastures and ponded areas that are within the established place of use for legally permitted water that is transported through the Townsend Ditch. As stated on page 3-25, the maximum expected drop in groundwater levels is approximately 6.5 feet. The amount of drop in groundwater will vary at specific locations depending on soil characteristics, geology, and water inflow patterns.

- 2-7 The occurrence of sulfur in groundwater is typically a result of the interaction of groundwater with naturally occurring sulfate materials such as gypsum or pyrite. Gypsum or pyrite may be present in local geology, resulting in dissolved sulfate in well water. Without knowing the exact geology near an individual well, it is impossible to determine whether sulfate concentrations will change, because it is possible that water leaking from the ditch is also interacting with the source of sulfur. Well owners currently experiencing noticeable concentrations of sulfate will likely continue to have sulfate following the implementation of the project. Drinking water from these wells is likely being treated by an over-the-counter filtration system and will likely be treated following project implementation. Therefore, the likely impact of the project on sulfate concentrations in groundwater is less than significant.

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- 2-7 { these very low volume wells? There is a difference in water and useable water! Lets look into this issue a little closer please.
- cont'd {
- 2-8 { Page 3-25; The entire discussion is about the level going down 6.5' which may not seem like much, but; what will this do to the many little pot holes and ponds and some of the larger ones not mentioned. What will happen to the riparian habitat, the waterfowl, and the wildlife in the area. Almost all of the wild animal kingdom is represented in this area including mountain lion, bear, bob cat, skunk, raccoon, muskrat, beaver, deer, fox, coyote, jack rabbits, cottontail rabbits, barn owls, hoot owls, great horned owls, red tail hawk, wood ducks, mallards, Canadian honkers, etc. More than ever they will be crossing Clear Creek Road and be slaughtered on their way to get to water in the creek. I do not believe a thorough study of the environment along and around the ditch was studied seriously. Lets just close it and be done with it. Working for government for 40+ years has taught me how to write flowery reports and not discuss some elements. This stinks of it!
- 2-9 { 3.3.1.1 CCSD does not currently serve all the residents in their area, lets discuss them expanding their facilities to meet the new demand caused by shutting off the ditch. Many of the area residents are retired or on fixed income and it will be very difficult for them with our adequate domestic water.
- 2-10 { 3.3.1.3 Agriculture; Is our agriculture just too small to discuss? We have provide many livestock to the counties economy and we have a thriving eucalyptus orchard nearing harvest for firewood. Guess we just do not count or will not without water.
- 2-11 { 3.8.2.1 bullet four; Conflict with residential, commercial or industrial uses. Well, it conflicts with every one of those uses for us. Our commercial neighbor has requested a use of our second pond for his industrial use in manufacturing concrete items. We cannot promise him the water now. There is a large new demand for commercial water in the new plants on Clear Creek Road. A viable water system utilizing the ditch could become profitable for all. Yes it conflict with our residential use.
- 2-12 { 3.8.3 Mitigation Because no significant impacts to the community are anticipated... The hell you say, it impacts us and many other folks and the entire population along and near the ditch, critics count to.
- 2-13 { 3.9.1It's a visible landscape feature of our property and it all depends on how and who's looking at it. That's a sorry picture of the ditch in the report how about one with all the berry's in bloom or ripening?
- 2-14 { Section 7.0 Distribution List; Funny how our name and two other local residents effected by the closure are not on the list. The ditch dissects our property and the Justice's property. Neither of us were notified of any meetings. Why? What are we hiding? The McConnell Foundation has been very aware of our use and I posted them a letter requesting an opportunity to pay with money or ditch maintenance for our use soon after they inherited the Gore property. They failed to answer.
- I realize this is to little too late but dam it lets do a thorough study and state the facts. Perhaps we could postpone the project while these issues are studied and perhaps revised.
- I have included a copy of a letter to the McConnell Foundation and lots of folks and perhaps it may bring forward a few more issues with the ditch closure. The Clear Creek portion is a very good project but do we have to close another part of our environment to do it?
- 2-15 { By the way, nowhere in the report is the mention of the gravesites in our area or the 30,000 Orientals who were camped near here. Really talk to some of the historians to find out if this is a significant historical region. Nor does it mention the CDF using our pond for helicopter dipping for fire control. 6.5' will certainly not allow them to do that in the future but then its only a few more minutes to the next nearest dipping pond.
- 2-16 {
- I await your response and I thank you for your efforts.

Letter from Donald R. Lamb Continued

- 2-8 As stated on page 3-25, the maximum expected drop in groundwater levels is approximately 6.5 feet. The amount of drop in groundwater will vary at specific locations depending on soil characteristics, geology, and water inflow patterns. Ponded areas will continue to provide valuable wildlife habitat on a seasonal basis. Increased flows in lower Clear Creek downstream of Saeltzer Dam will improve riparian and wetland habitats benefiting native fish and wildlife species, including threatened Central Valley spring-run chinook salmon and steelhead trout.
- 2-9 Centerville CSD has indicated that it may be feasible to supply potable water, if available, to residences near Honeybee Road, offering another source of water residences in the area. However, homeowners will likely be required to pay for water delivery, similar to other customers of Centerville CSD. Paying for water service is not considered a significant impact. Centerville CSD is currently investigating sources of funding to offset the capital costs of extending service to these residences, if the residences are eligible. These third-party sources are existing federal and state programs for utility improvements.
- 2-10 As noted in Response 2-1, human-related impacts were analyzed by comparing existing uses in the area with other, similar land uses in the region. Livestock and firewood harvesting are viable in similar areas in the county without access to the ditch; therefore, it is assumed that these land uses will be viable after diversions to the ditch cease.
- 2-11 Please see Response 2-10. The potential for alternative uses of ditch water in the area was not considered as part of the analysis. As noted previously, alternative sources of water are expected to be available to landowners in the area. Existing land use is not expected to change following implementation of the project.
- 2-12 The public review period is intended to solicit input on the project and the anticipated impacts of the project. If new information or substantial evidence is presented outlining the need to re-evaluate impacts of the project, the impact statements will be changed accordingly. To date, no such evidence has been presented; therefore, the impact statements stand with the revisions noted in Table 2-1 of this document.
- 2-13 Figure 3-8C was included in the document to demonstrate a view of the ditch from a publicly accessible vantage point. The figure also presents vegetative assemblages along the ditch.
- 2-14 Public outreach activities for this project have exceeded the requirements of both NEPA and CEQA. The distribution list was taken from an existing mailing list used for the Clear Creek Coordinated Resource and Management Planning Group (CRMP). The lead agencies also published press releases for local news agencies, held a public meeting to solicit input from the public, and made electronic copies available on the internet. Additionally, the project has been the subject of several local news articles and features. It was not the intent of the lead agencies to omit interested parties from any distribution list. Copies of the document were made

Letter from Donald R. Lamb Continued

available to all parties requesting them. Please see Summary of Project History and Public Involvement (Appendix E).

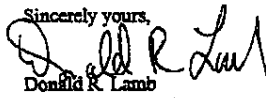
- 2-15 The cultural resources field survey focused on the area immediately surrounding the dam area. This is the only part of the project that will be subject to ground-disturbing activities that will have the potential to impact cultural resources. The final Cultural Resources report is included in this document as Appendix B.
- 2-16 Thank you for your comment. Please see Response 1-1 for additional discussion of potential impacts to ponds in the area.

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Sincerely yours,



Donald R. Lamb
7508 Honeybee Rd.
Redding, CA 96001

(530) 244-0316

Attach:

Letter from Donald R. Lamb Continued

COPY

3

Mc Connell Foundation
800 Shasta View Dr,
Redding, Ca 96002

July 13, 2000

Regarding : Townsend Flat Irrigation Ditch

Dear Sir or Madam,

My vision of the McConnell Foundation has been a very favorable one particularly in light of all the positive things the Foundation has done for our community. I am now dealing in an issue, which is contrary to the benefit of many of the inhabitants in the Clear Creek area, particularly the Townsend Flat irrigation ditch area.

Mr. Richard Gore and other members of the irrigation district allowed all of the residents along the ditch to use the water for domestic use and every one was well aware of this use for many years. He also allowed our family the use of a 2-inch line to keep our pond filled for irrigating a eucalyptus orchard on our property. I realize these are all prescriptive uses and perhaps there is no legal way to lay claim to any adjudicated rights to the water but it could be an interesting legal contest to say the least. Our livestock and our predecessor's livestock have used this ditch source for drinking for more than 40 years.

Since Mr. Gore's demise and subsequent donation of his properties to the Foundation there have been many rumors regarding the closure and eradication of the ditch and now we hear it is going to happen as early as September of this year. News articles indicate the Foundation is selling the irrigation district to the Bureau of Reclamation for over two million dollars. I am sure Mr. Gore would be seriously pursuing not closing the ditch, but in fact, would be looking for ways to improve its value to the community. We had many discussions along these lines over coffee and while searching the brush for each other's livestock.

This irrigation district has provided a source of recreational, industrial and domestic use for the inhabitants along its banks. This area has very little potable water in its wells and the ditch has provided a supplemental and in some cases the only domestic source of potable water for some of the individuals. Some of the individual are on very low fixed incomes and can not afford to purchase domestic water or have new wells drilled. New wells in most cases will not provide useable water anyway so if they could afford these wells they may not be productive.

My last but by now means least issue with closing the ditch is the environmental impact to nature and the critters which live in the area and the environment this waterway has created in its nearly 100 years of existence. The supposed basis for all of this is to eliminate the dam which transitions the water to the ditch to provide better spawning grounds for salmon which I'm sure is a worthy cause and will help that part of our environment. Ah, but the cost, what of the millions of fish which live in the ditch now, the frogs, the muskrats, the beaver and the land animals such as deer, fox and bobcat. What of the birds, this is a major fly way and nesting for many ducks (especially wood ducks), hawks, quail, turkey and again the list of species could go on forever.

These are a few of the emotional issues, which all of the inhabitants of the area are feeling and they are real.

Now lets get to the issues which I would appreciate an answer:

1. Why weren't the residents (taxpayers) along the ditch formally notified of the "Public Hearings" regarding these issues and the proposed closure of the ditch?
2. Where is the environmental impact statement regarding the closure of the ditch and the entire Clear Creek Seltzer Dam removal?
3. What is the role of the Bureau of Reclamation and why are they purchasing a water ditch system which is being abandoned and will become useless?
4. What is the role of the California Fish and Game in all of this and what are their concerns for the effect on the other fish and game along this ditch's banks?

Letter from Donald R. Lamb Dated July 13, 2000

This is not a comment on the EA/IS.

5. Why aren't there some positive plans to deal with the issues such as providing an alternate source of domestic water to the local residents through the Centerville Water Districts system? (I'm sure the \$2 million would more than cover the cost).
6. What happened to the plan to simply move the intake upstream and continue the irrigation source?
7. Why can't this system be improved to provide a real water district to the Clear Creek area? There are many new industrial developments which could benefit significantly from a good source of water and this will help this development and increase the tax base for all of Shasta County. Much of the land could be further developed for agricultural purposes if such a system existed. The current ditch usage has never exceeded 55% of the allocation so the water is available. Make a real usage district as it were.
8. What are the plans for physically closing the ditch and removing it from existence, how will you treat my land in this process and what are your plans for mitigating the damage you will cause as you close the ditch?

I understand and am sympathetic with the Foundation's desire to rid itself of the possible liabilities connected with the ditch and the dam. I also understand the "apparent gifting of \$2 million +" and the Foundation's potential for use of this money. The issues I can't understand is the apparent process to ram this project through without proper investigation and concern for the real issues.

Why isn't the McConnell Foundation taking a positive role in a community project and working towards a beneficial solution to these issues and a more beneficial result for the entire community. This could be done by:

1. Support and assist in providing a domestic water system for the inhabitants of the area.
2. Support a program to keep the ditch "ALIVE" as a part of the Bureau of Reclamation and enhance the use to more individuals and businesses along the Clear Creek Road/Creek area.

I first wrote Mr. Allred (McConnell Foundation council) regarding our concerns in these matters some two to three years ago with no return response. I sincerely hope you will give us the courtesy of a response this time. I appreciate any effort on your part to respond to our concerns. Thank you.

Sincerely,

Donald R. Lamb
7508 Honeybee Rd
Redding, Ca 96001
(530) 244-0316

cc: Federal Bureau of Reclamation
California State Department of Fish and Game
Rep Wally Herger
Senator Dianne Feinstein
State Assemblyman Dick Dickerson
State Senator Maurice Johannesson
Irwin Fust, Shasta County Board of Supervisors
Hutchins Paving and engineering
Bill Davis
Dave Justice
Redding Searchlight

Letter from Donald R. Lamb Continued

STEVEN B. MCCARTHY
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July 11, 2000

California Department of Fish & Game
Attn: Don Koch
Regional Manager
601 Locust St.
Redding, CA 96001

U.S. Bureau of Reclamation
Attn: Beuford Holt
16349 Shasta Dam Blvd.
Shasta Lake, CA 96019

Re: Joint Environment Assessment/Initial Study Public Draft
Saeltzer Dam
Fish passage and flow protection project, June 2000

Dear Mr. Koch and Mr. Holt:

INTRODUCTION

4-1 { The undersigned represents John Steiner and other property owners similarly situated in the Townsend Ditch drainage area below Saeltzer Dam on Clear Creek in Shasta County. It is the purpose of this letter to confirm in writing comments made at the public hearing held at the Red Lion Inn on June 22, 2000 relating to the captioned document. We had requested at that public meeting that the lead agencies extend the deadline for comments so all of the interested and affected parties would have sufficient opportunity to review the referenced document and to permit the lead agencies sufficient time to structure adequate mitigation measures to compensate for the effects of the de-watering the Townsend Ditch. It was reported at the June 22, 2000 meeting that the lead agencies expect to de-water the Townsend Ditch on or about August 9, 2000. Such federal and state action will have a significant environmental impact on the various ecosystems which have been built up over the past 97 years during which the Townsend Ditch has carried water year in and year out. The referenced environmental assessment utterly fails to address the significant impacts on the various ecosystems of the de-watering of the Ditch and it is now clear that a negative declaration cannot be supported and a full environmental impact statement is required by both NEPA and CEQA.

4-2 {

4

ORIGINAL FILED IN 17	
RECEIVED	
JUL 14 '00	
BUREAU OF RECLAMATION	
NORTHERN CALIFORNIA DISTRICT	
6208	
340	
100	
300	
FILES	

Letter from McCarthy & Rubright, LLP Dated July 11, 2000

4-1 It has been determined that additional time is not necessary to review comments on the EA/IS. In the absence of substantial evidence documenting a flaw in the analyses or new information not previously available, no additional time will be required.

4-2 No significant impacts to ecosystems have been identified in the EA/IS.

Section 3.1 of the EA/IS addresses impacts to the ditch ecosystems and concludes that there would be no significant impacts because removal of the ditch would return existing wetland to a more natural state (from a perennial emergent wetland to a seasonal emergent wetland), and be offset by increased flows in the creek which would enhance riparian and wetland habitats.

California Department of Fish & Game
 Attn: Don Koch
 July 11, 2000
 Page 2

OVERVIEW

- 4-3 { The Joint Environmental Assessment fails to address many sensitive environmental conditions which will be irreparably damaged if Townsend Ditch is completely de-watered as proposed. Mitigation measures are available but have not been included in the Environmental Assessment Report. The law requires that specific mitigation measures be developed and adopted prior to rather than following project approval. The Townsend Ditch has had water flowing through it continuously for the past 97 years, during which time an ecosystem has developed which is dependent on this water flow. The de-watering of the Townsend Ditch is estimated by the Environmental Assessment Report to have the effect of lowering the water table in the area served by the Townsend Ditch 6 and one-half feet. A more likely scenario is 10 feet. This is a significant impact to the ecosystem and many species and fauna will thereby lose their habitat forever. Species at risk include the red and yellow-legged frog, the Northwest Pond Turtle, deer, cougars, waterfowl, eagles, osprey, and the Little Willow Flycatcher; flora and fauna at risk include willows, pines, and the Valley Elderberry Longhorn Beetle. The Environmental Assessment Report gives no analysis to these real and significant impacts from the de-watering of the Townsend Ditch but focuses only on the construction site near Saeltzer Dam. As such, the Environmental Assessment is defective on its face and under the law is inadequate to support a negative declaration.
- 4-4 {

DISCUSSION

- 4-5 { The most obvious mitigation measure is to retain some water flow through the Townsend Ditch. Pursuant to the agreement in principal for the Saeltzer Dam Fish Passage Project between the U.S. Bureau of Reclamation and the Townsend Flat Water Ditch Company dated March 10, 2000, sufficient residual water should be available for this purpose. The memorandum of understanding, which was required to be prepared to address water supplies with respect to the proposed purchase by the federal government from the McConnell Foundation (an 85 percent owner of the Townsend Water District water) of its water rights for the sum of \$2.5 million should be instructive. This federal action removing water from the Ditch in and of itself requires an EIR. The McConnell Foundation is a 501(c)(3) tax-exempt public benefit corporation and as such should be willing to participate in reasonable mitigation measures notwithstanding any water rights issues.
- 4-6 { The state and federal action in de-watering the Townsend Ditch creates a substantial or potentially substantial adverse change in the physical conditions of the area surrounding the ditch and the ecosystems that have relied on that water for the past 97 years. In determining the significance of a potential environmental affect, a lead agency must consider both primary (direct) and secondary (indirect) affects. The de-watering of the Townsend Ditch will have the immediate affect of lowering the water table in the area 6 and one-half to 10 feet. This will dry

Letter from McCarthy & Rubright, LLP Continued

4-3 The commentor does not present specific examples of sensitive environmental conditions that will be “irreparably damaged.” The EA/IS analyzed environmental conditions associated with the ditch. The cessation of water flow in the ditch is not anticipated to result in significant impacts; therefore, no mitigation is required. Qualified professionals conducted analyses in a variety of fields. Barring new information or substantial evidence documenting a flaw in the analyses, the analyses presented in the EA/IS will remain unchanged.

4-4 It is unclear how the commentor derives a reduction in groundwater levels of 10 feet. Again, in the absence of new information or substantial evidence, the analyses in the EA/IS will remain unchanged.

Botanical and biological surveys were conducted by qualified professionals within habitats adjacent to the Townsend Ditch and were not limited to the construction area at Saeltzer Dam. Implementation of the Proposed Project will not significantly impact special-status species that occur within the project area, including those areas adjacent to the ditch. Please refer to Section 3.1.1 Fisheries, Section 3.1.2 Vegetation, Table 3-2, Section 3.1.4 Wildlife, and Table 3-4 for additional clarification.

4-5 As noted previously in Responses 4-2 and 4-3, no significant impacts have been identified; therefore, no mitigation is required. “Residual water” cited by the commentor will not be available from Saeltzer Dam following its removal because it is the diversion point for water supplies in the ditch. The McConnell Foundation is not a lead or participating agency as defined by CEQA, and is not obligated to participate in funding aspects of the project. The parties to the agreement are TFWDC, Reclamation, and CDFG.

4-6 The EA/IS considered both direct and secondary effects of the project, and no significant impacts were identified. As outlined in Section 3.1 (page 3-12) of the EA/IS,

“The emergent wetland would also be subject to change in vegetation. Though wetland characteristics would remain (due to the depth of the feature and surrounding groundwater levels), this feature would change from a perennial emergent to a seasonal emergent wetland. Changes to riparian and wetland communities that would occur as a result of eliminating the water diversion through the Townsend Ditch would be offset through increased bypass flows in lower Clear Creek. Increased bypass flows would provide better conditions and higher and more stable flow in the lower 6 miles of Clear Creek that would benefit establishment of natural riparian and wetland habitats.”

Thus, the removal of the ditch will return existing wetland to a more natural, seasonal state and be offset by increased flows in the creek. The reduction in groundwater levels is not anticipated to affect geology in the area. Gravel excavation is governed more by economic conditions dictating the value of gravel than the depth of groundwater. The Shasta Mosquito and Vector Control District has

Letter from McCarthy & Rubright, LLP Continued

indicated that the project is not anticipated to affect mosquito control efforts in the area (Audie Butcher, pers. comm. with Tim Carlton/CH2M HILL).

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California Department of Fish & Game
 Attn: Don Koch
 July 11, 2000
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4-6
 cont'd

up existing wetlands forcing wildlife, special species, and the area's flora and fauna to be jeopardized. The lowering of the water table will also affect the geology of the area by creating a greater area from which the present gravel operators can excavate gravel. Additional gravel excavation will increase noise and air pollution. The decreased water table also will result in many ponds drying to shallow pools which will become breeding grounds for mosquitoes and other vectors. The subject environmental assessment utterly fails to address this significant impact and further fails to indicate any contact whatsoever with the Shasta County Vector Control Department. Again, the law requires that mitigation measures be developed and adopted prior to rather than following project approval.

4-7

There is also an economic and human impact of the de-watering of the Ditch and the consequent drop in the water table. Mr. Steiner has a water sports lake which is enhanced by the Townsend Ditch and which will be reduced to a stagnant pond if the Ditch is de-watered. Mr. Steiner uses the lake under a permit with the City of Redding to give lessons to young people in a safe, hazard-free environment. He draws clientele from both Shasta County and out of the area, which assists the local economy. Mr. Steiner's lake also supports a wide variety of trophy bass fishing with sport fisherman coming from out of the area to fish this lake. The de-watering of the Townsend Ditch and the consequent reduction in the water table will eliminate this recreational environment. The reduced water table will also impact local residents who have domestic water wells. The domestic water wells are shallow due to the saline and sulfur conditions in deeper wells. With the lowering of the water table, those domestic water wells will dry up leaving those residents without potable water. Finally, the drying up of the many ponds in the area will eliminate a big source of fire protection. Water from the area ponds was very helpful in controlling the Happy Valley fire last season. Economic and social change are pertinent in an environmental assessment under CEQA when coupled with a physical change as we have here. The lead agencies must analyze the cumulative effects of the many small impacts as well as any adversity to humans. Here, the impact on recreation and the safe environment for children to learn water sports is clearly an adverse human impact, as is the loss of domestic water wells and fire protection for long-term local residents.

4-8

The fundamental purpose of an EIR is to inform public agency decision makers and the public of the potentially significant environmental effects of a project and to identify ways to minimize or avoid those effects. It has been referred to as "an environmental alarm bell whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." The preparation of an EIR is the key to environmental protection under CEQA. Here the subject report fails to address substantial environmental changes. There are mitigation measures available which, if implemented, would lessen the environmental impacts of the de-watering of the Townsend Ditch on the surrounding ecosystems. At page 2-3 of the subject report, all proposed alternatives are set aside to achieve "optimum fish passage conditions." This choice ignores the ecosystems created by the Townsend Ditch flows over the

Letter from McCarthy & Rubright, LLP Continued

- 4-7 The EA/IS determined that the existing land use in the area, including the water ski park, will not be precluded by implementation of the project. The water ski park currently uses tail water from TFWDC to artificially maintain a higher water surface elevation, allowing for motorized water sports. If flows in the ditch cease, tail water will also cease. Water in the ski pond percolates through the surrounding gravel berms into neighboring gravel mining operations, generally varying in correlation with the ditch. It is unclear how the bass are managed in the pond – whether they are planted each year, or if they exist in the pond year-round. Any impacts to bass will be offset by gains to the native anadromous fishery in Clear Creek.

The EA/IS notes that landowners in the area may need to supplement or better manage water supplies following project implementation. These supplemental measures are similar to those practiced at existing land uses elsewhere in the county. Additionally, the water ski park may be able to purchase water directly from ACID. Continuing operation of the water ski park as both a water ski park and a fishing destination is therefore an economic issue related to the cost of water management. The EA/IS determined that operation of the water ski park is not an environmental issue. Please see Response 4-6 for a discussion of wildlife values associated with the ditch.

- 4-8 Under the terms of the agreement between Reclamation, CDFG, and TFWDC, all future claims against the ditch will be addressed by TFWDC. Water rights claims following implementation of the project should be addressed to TFWDC. The EA/IS has determined that the groundwater effects of the project are less than significant and do not require mitigation.

California Department of Fish & Game
Attn: Don Koch
July 11, 2000
Page 4

4-8 {
cont'd { past 97 years, which flows have been relied upon by wildlife, special species, wetland habitat, and the like, and will now dry up and be forever lost. These substantial impacts must, under the law, be mitigated.

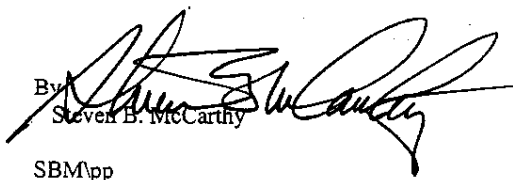
4-9 { With the excess water under the pre-1914 water rights retained by McConnell, supplying water to the ditch, either from an upstream diversion or through some other conveyance such as the ACID Ditch is feasible and the issues raised herein can be mitigated. At the June 22, 2000 public meeting, one of the people from the California Department of Fish and Game indicated that approximately 1,076 acre feet per year of water seeps through the Townsend Ditch supporting the existing water table. If these calculations are accurate, then this quantity of water should be made available to flow through the Ditch.

CONCLUSION

4-10 { Based on the foregoing, the Joint Environmental Assessment/Initial Study is inadequate, does not legally support a negative declaration and a full environmental impact statement must be prepared. John Steiner and the similarly affected landowners do not oppose removal of Saeltzer Dam, but they do oppose the utter failure of the agencies to propose and adopt specific mitigation measures to address the real and substantial environmental impact which results from the de-watering of the Townsend Ditch.

Very truly yours,

McCARATHY & RUBRIGHT, LLP

By 
Steven B. McCarthy
SBM/pp

cc: John Steiner
Jack Reese on behalf of the Centerville Water District
Lee Salter on behalf of McConnell Foundation
Mona Jeffries of the Bureau of Reclamation, Sacramento Office
Michael Warren, City of Redding
Senator Maurice Johannessen
Leonard W. Wingate, Redding City Attorney

Letter from McCarthy & Rubright, LLP Continued

- 4-9 Following implementation of the project, diversions from Saeltzer Dam will no longer be possible. Unintentional seepage is not considered a beneficial use by the State Water Resources Control Board (SWRCB); thus, landowners benefiting from seepage from the ditch are not entitled to continued supplies under California water law. Further, the EA/IS determined that the reduction in groundwater will not preclude existing land use, resulting in a less than significant impact. Mitigation is not required to offset groundwater impacts.
- 4-10 Based on careful consideration of the facts presented in the commentor's letter, there is not substantial evidence or new information sufficient to change the analyses presented in the EA/IS.

JUL-13-00 THU 15:43

BUREAU OF RECLAMATION
LAW OFFICES WALT McNEILL FAX NO. 5302228892

P. 02

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5880 Oak Street
Anderson, California 96007-9216Fax: (916) 357-3723
Telephone: (916) 357-2121

July 13, 2000

California Department of Fish and Game
Attn. Don Koch
Regional Manager
601 Locust Street
Redding, CA 96001

HAND DELIVERED

COMMENT ON: PROPOSED FINDING OF NO SIGNIFICANT IMPACT AND
NEGATIVE DECLARATION FOR THE SAELTZER DAM FISH
PASSAGE AND FLOW PROTECTION PROJECT

Dear Mr. Koch:

I am the general legal counsel for Clear Creek Community Services District. Unfortunately Clear Creek CSD was not included on the distribution list for the Joint Environmental Assessment/Initial Study for the Saeltzer Dam Fish Passage and Flow Protection project. I obtained my copy of the document only on July 10 after inadvertently learning about it through the Bureau of Reclamation web site. Obviously there has been no opportunity or time for review of the document by Clear Creek's Board or its general manager. Since the comment period closes July 14, I will nonetheless offer the following comments on behalf of the District, which are mainly in the form of questions.

While Clear Creek CSD supports the improvement of salmon spawning habitat resulting from removal of the Saeltzer Dam, some questions arise from the agreements for water exchange and in-stream flows, and the increased releases to Clear Creek for flow enhancement, that are an integral part of the project. The EA/Initial Study references (page 1-7) a water exchange agreement between Reclamation and the Townsend Flat Water Ditch Company (TFWDC) for 6,000 acre feet of substitute CVP water for use within Shasta County, and both an existing informal agreement among Reclamation/USFWS/NPS and a future agreement between Reclamation and USFWS for flow releases in Clear Creek and usage of Section 3406(b)(2) for flow releases in the future (see page 3-21). There is also

Serving the Community of Happy Valley

Letter from Clear Creek Community Services District Dated July 13, 2000

JUL-13-00 THU 15:44

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P. 03

California Department of Fish and Game

Attn. Don Koch, Regional Manager

Comment: Saeltzer Dam Fish Passage and Flow Protection Project

July 13, 2000

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identification of recommended increased releases to Clear Creek for flow enhancement to meet AFRP objectives (page 3-19). These factors potentially impact both the water supply and facilities owned/operated by Clear Creek CSD, but it is unclear to what degree.

- 5-1 { Clear Creek CSD owns and operates the water filtration plant which takes water from the Whiskeytown Reservoir and delivers it through the Muletown Conduit; and the District also has contractual responsibility for operation of the Muletown Conduit, requiring permission from the District (along with Reclamation) for any new usage or other matter affecting operation of the Conduit. According to the EA/Initial Study, under the exchange agreement the TFWDC (85% McConnell Foundation & 15% Centerville CSD) would receive 6,000 acre feet of substitute CVP water (page 1-7), with 900 acre feet allocated to Centerville CSD and the remaining 5,100 acre feet available to the McConnell Foundation. It is clearly anticipated that the 900 acre feet for Centerville CSD would come through the Muletown Conduit (this would be accommodated through the existing agreement between Clear Creek CSD and Centerville CSD). However, it is unclear whether anticipated usage of the 5,100 acre feet in Shasta County by the McConnell Foundation is anticipated to be taken from the Muletown Conduit -- which carries the CVP water that otherwise would flow down Clear Creek and would seem to be the logical conveyance of exchange water. If the Muletown Conduit is contemplated as the source of exchange water, Clear Creek CSD and the McConnell Foundation would need to negotiate an agreement and consider the impacts of any modified usage of facilities owned or operated by the District.
- 5-2 { Under the contemplated agreement between Reclamation and USFWS additional water for release to Clear Creek would be made available under Section 3406(b)(2) of the CVPIA. "In years when less than 6,000 acre feet is delivered to the TFWDC, USFWS and Reclamation would calculate the amount of (b)(2) water necessary to prevent impacts to other CVP water users, and the USFWS would transfer that amount of (b)(2) water to Reclamation for release to Clear Creek." (page 3-21, emphasis added.) This statement raises two questions of concern to Clear Creek CSD. (1) Since Clear Creek CSD is the CVP water user primarily impacted by changes in water releases (see additional comments below), it is important to know what criteria USFWS and Reclamation would use "to prevent impacts to other CVP water users." The District would submit that (b)(2) water should be supplied before any shortage conditions are applied to the District's contract water quantity as a result of releases to the creek for in-stream flows. There is no discussion or explanation in the EA/Initial Study of the threshold for preventing impacts to CVP water users. (2) The implication of the statement seems to be that impacts may occur to CVP water users when less than 6,000 acre feet is delivered to TFWDC, in the context of the McConnell Foundation's stated intentions that (for the time being) its 5,100 acre foot allocation would be used
- 5-3 {

Letter from Clear Creek Community Services District Continued

- 5-1 If the McConnell Foundation chooses to move its exchange water through the Muletown Conduit, that exchange will be subject to future environmental review and will need to be conducted in cooperation with affected water purveyors. Currently, such an exchange has not been proposed. As noted on page 1-7 of the EA/IS, the McConnell Foundation's share will likely be designated as environmental water until a willing buyer is identified. If the McConnell Foundation chose to deliver water through the Muletown Conduit, it would be for deliveries to either the Centerville CSD or Clear Creek CSD, and would be subject to future environmental and administrative review.
- 5-2 The agreement signed by Reclamation, CDFG, and TFWDC is intended to result in no net change to CVP water supplies. The Proposed Project does not affect CVP water supplies. If potential impacts to CVP resources exist as a result of releases to Clear Creek, water will be taken from (b)(2) supplies. Therefore, any impacts to CVP supplies would be accounted for in environmental documentation relating to implementation of (b)(2) water and CVPIA. For additional information, please see the Programmatic EIS for CVPIA implementation.
- 5-3 As noted on page 1-6 of the EA/IS, the McConnell Foundation has stated that its share will be made available to willing buyers within the county. It is likely that willing buyers will consist of CVP customers that cannot meet demand with future CVP supplies. Therefore, the McConnell Foundation supplies will likely supplement CVP supplies within the county at some point in the future. Please see Response 5-2 for a discussion of the project's relationship to (b)(2) water supplies.

JUL-13-00 THU 15:45

LAW OFFICES WALT McNEILL

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P. 04

California Department of Fish and Game

July 13, 2000

Attn: Don Koch, Regional Manager

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Comment: Saeltzer Dam Fish Passage and Flow Protection Project5-3
cont'd

for in-stream flow maintenance. Will impacts occur immediately to "other CVP water users" if the McConnell Foundation water is not devoted to in-stream flows? Is the amount of (b)(2) water contemplated under the future agreement between USFWS and Reclamation capped at 6,000 acre feet? If zero to 6,000 acre feet has potential impact on "other CVP water users," and/or the commitment for (b)(2) water is limited to 6,000 acre feet, how do Reclamation and USFWS propose to "prevent impacts to other CVP water users" from the much higher quantities to be released for flow enhancement in Clear Creek (see comments below)?

5-4

A troubling omission of the EA/Initial Study is its failure to discuss the source of water and impacts of flow releases from Whiskeytown Dam intended for flow enhancement in Clear Creek as identified in the Anadromous Fish Restoration Program (AFRP). The removal of Saeltzer Dam is the gateway to "provide access to an additional 10 miles of habitat upstream of Saeltzer Dam," so that "An additional 1,900 square feet of chinook spawning habitat, and 206,000 square feet of steelhead trout spawning habitat present upstream of the Dam would be made available during flow releases of 200 cfs (Aceituno, 1985)." (see page 1-4.) Current flow releases under a "tentative agreement" reached in 1963 between Reclamation, USFWS and NPS, are for "50 cfs from January through October and 100 cfs from November to December in normal water years and for releases of 30 cfs from January through October and 70 cfs for November and December in critical water years." (page 3-19.) To meet the objective of increased flow releases from Whiskeytown Dam as identified in the AFRP, with the removal of Saeltzer Dam "The current recommended releases from Whiskeytown Dam to Clear Creek are 200 cfs from October to April and 150 cfs for the remainder of the year with variable spring-time releases depending on water-year type." (page 3-19.) Conservatively this results in a diversion of 50,000 to 75,000 acre feet of water to Clear Creek for flow enhancement, that otherwise would be taken out of the Whiskeytown Reservoir through the Spring Creek Tunnel to the Spring Creek Powerhouse just upstream of Keswick Dam or be available for delivery through the Muletown Conduit. Because this water runs to the Sacramento River at the mouth of Clear Creek there is little if any impact on "downstream" users of CVP water. However, the commitment to flow enhancement in combination with ongoing demand for diversions through the Spring Creek Tunnel potentially reduce the diversions that may be made simultaneously through the Muletown Conduit. The brunt of this impact would be borne by Clear Creek CSD. The question which is not addressed or discussed in the EA/Initial Study is: What is the magnitude of this impact, and to what extent, if any, will it affect CVP water deliveries to Clear Creek CSD?

Letter from Clear Creek Community Services District Continued

- 5-4 The Proposed Project formalizes existing flow release patterns that have historically been released downstream of Whiskeytown Dam. Page 3-21 of the EA/IS states that as part of the project, CDFG, U.S. Fish and Wildlife Service (USFWS), and Reclamation will enter into an Instream Flow Preservation Agreement to maintain releases at current levels. Additional releases could be made through allocation of water under Section 3406 (b)(2) of the CVPIA. However, such additional releases are speculative at this point. For further discussion of the impacts of water management following implementation of Section 3406 (b)(2) of the CVPIA, please refer to the Programmatic EIS prepared for the CVPIA.

JUL-13-00 THU 15:47

LAW OFFICES WALT McNEILL

FAX NO. 5302228892

P. 05

California Department of Fish and Game
Attn. Don Koch, Regional Manager

July 13, 2000
Page 4

Comment: Saeltzer Dam Fish Passage and Flow Protection Project

5-5 { • The potential impacts of water diversion for enhanced flows in Clear Creek are greatly magnified by currently proposed flow requirements being considered for the Trinity River. As you know, Whiskeytown Reservoir essentially acts as a detention basin for the diversions from the Trinity River, combined with the natural inflow from the Clear Creek watershed. Assuming that Trinity River flow requirements are implemented at or near proposed levels, the diversions to Whiskeytown Reservoir will be severely reduced, restricting the net amount of water available to meet the increased demand for diversion for outflows created by Clear Creek's flow enhancement. There is no discussion in the EA/Initial Study of the combined effect of increased releases to Clear Creek for flow enhancement with decreased inflow of Trinity River water to the Whiskeytown Reservoir. Without further clarification of the potential cumulative impacts, it would appear that there is a real and substantial risk of impairment of the CVP water supply to Clear Creek CSD.

5-6 { The EA/Initial Study states that impacts to public services and utilities would be "significant" if they would "substantially impact local services or infrastructure." (page 3-28.) Unless the above questions can be addressed with clarifying data or positive assurances that the project will not result in impairment of Clear Creek CSD's CVP water supply and its ability to obtain a long-term renewal contract for the full contract quantity of 15,300 acre feet, then one must conclude that the potential impact is "significant." At a minimum the EA/Initial Study should be revised to address these issues. I look forward to your responses to comments.

Respectfully submitted,



WALTER P. McNEILL
Attorney for Clear Creek CSD

cc: Buford Holt, USBR
Mark Hampton, North State Resources

Letter from Clear Creek Community Services District Continued

- 5-5 As noted in Response 5-4, the flow agreement associated with this project maintains current flow levels in Clear Creek. Impacts from the potential implementation of increased flows in the Trinity River are outlined in a separate environmental impact statement/environmental impact report (EIS/EIR) for that action. Any additional impacts resulting from increased Trinity River flows are beyond the scope of this analysis.
- 5-6 As noted above, implementation of additional flows through Section 3406 (b)(2) of CVPIA and changes to Trinity River releases are beyond the scope of this project. This project includes an agreement stating that releases into Clear Creek will remain the same following removal of Saeltzer Dam. Accordingly, implementation of this project will not affect public services and utilities. Although implementation of (b)(2) flows and Trinity River flows have the potential to reduce water supply reliability in the Sacramento Valley, they are beyond the scope of this analysis.



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July 12, 2000

Mr. Buford Holt
U.S. Bureau of Reclamation
16349 Shasta Dam Boulevard
Shasta Lake CA 96019

Re: **Saeltzer Dam Fish Passage and Flow Protection Project**
Joint Environmental Assessment (EA)/Initial Study

Dear Mr. Holt:

Thank you for providing the opportunity to comment on this important project.

Friends of the River strongly supports the proposed removal of the McCormick-Saeltzer dam on Clear Creek. Removal of the dam will restore 10 miles of spawning habitat for threatened spring run chinook salmon and steelhead, and increase downstream flows to benefit both fish and riparian habitat. As noted in the EA, removal of the dam will also eliminate the possibility of the catastrophic failure of the dam, as well as increase public safety by removing a facility that is currently a dangerous attractive nuisance.

The joint federal and state project known as the CALFED Bay-Delta Restoration Program has recommended the removal of the McCormick-Saeltzer dam as a way to restore a small portion of the 90% of Central Valley salmon and steelhead habitat that has been permanently blocked by dams over the past century. The EA should also acknowledge that ensuring fish passage and adequate flows to maintain healthy fish populations are required by the California Fish and Game Code and the public trust doctrine of the California Constitution.

The Bureau of Reclamation ultimately controls all the flow in Clear Creek through releases from its Whiskeytown dam, which is located about 10 miles upstream of the McCormick-Saeltzer dam. The Bureau is proposing an increase in minimum stream flows for fish in Clear Creek from Whiskeytown dam, by restoring the flows back into creek that the dam formerly diverted into the Townsend ditch. However, these flows are considerably less than those recommended by the federal government's Anadromous Fish Restoration Plan (AFRP), which calls for flows up to 200 cubic feet per second (cfs). The Bureau's own environmental analysis uses the higher (200 cfs) flow for its estimate of restored fish spawning

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JUL 13 '00

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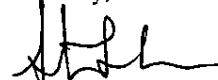
Letter from Friends of the River Dated July 12, 2000

- 6-1 This project is consistent with the provisions of the California Fish and Game Code. Public trust doctrine has been used to protect fishery resources in California; however, implementation of the public trust doctrine is subject to a wide variety of interpretations.

- 6-2 { habitat provided by the McCormick-Saeltzer dam removal project. We recommend that the final decision for this project adopt the higher AFRP flows for Clear Creek that more fully restore fish and riparian habitat.
- 6-3 { Removal of the McCormick-Saeltzer dam would also enhance public lands along Clear Creek acquired by the Bureau of Land Management (BLM) to restore fish and wildlife habitat impacted by past mining activities, and to provide for whitewater boating, hiking, and other recreation opportunities. The final decision for this project should comply with resource condition objectives, land use allocations, and management actions that the BLM has established for the Clear Creek area.
- 6-4 { In addition, the BLM has determined that more than 13 miles of Clear Creek upstream of the dam site are eligible for National Wild & Scenic River status in recognition of the creek's outstanding recreational, scenic, and natural values. The final project should ensure protection of the creek's free flowing character and outstanding values.
- 6-5 { We are particularly concerned about the statement in the EA noting that sediment excavated from behind the dam would be placed on public lands owned by the state or by the BLM (pg. 1-7). We urge that sediments that may be removed from behind the dam be used to restore and revegetate existing mine tailings, rather than simply deposited to add to the existing degradation created by past mining activities.
- 6-6 { We are also concerned about the statement in the EA that the stability buttresses used to provide access to the dam for its removal will be kept in place to synchronize release of residual sediments. The EA should be explicit about how long the buttresses will remain in place and what will be done if the buttresses pose a problem to the passage of fish and recreational boaters.
- 6-7 { More than half the water diverted by the dam seeps from a seven-mile long ditch. The seepage is illegally used by various landowners along the way, even though they do not own or pay for the water. One entrepreneur uses the seepage to fill a water skiing lake. People indirectly benefiting from this seepage are demanding compensation from the public if the dam and diversion are removed, despite the fact that they have no legal right to the water. The public is simply not obligated to compensate these people for the potential loss of a resource for which they do not have an entitlement or own.

Please notify us of the Bureau's final decision concerning this important project.

Sincerely,



Steven L. Evans
Conservation Director

Letter from Friends of the River Continued

- 6-2 Page 3-21 of the EA/IS states that CDFG, USFWS, and Reclamation will enter into an Instream Flow Preservation Agreement to maintain releases at current levels. The flow agreement formalizes commitments made to date. Additional physical improvements in the creek are still being investigated, but are not a part of this project. Additional flow releases may be made through allocation of water under Section 3406 (b)(2) of the CVPIA. However, such additional releases are speculative at this point, largely due to the draft nature of proposed Anadromous Fish Restoration Program (AFRP) flows and uncertainty regarding (b)(2) water. For further discussion of the impacts of water management following implementation of Section 3406 (b)(2) of the CVPIA, please refer to the Programmatic EIS prepared for the CVPIA. Additionally, Section 3406 (b)(12) of CVPIA will require separate environmental documentation for any recommended changes to Clear Creek flows.
- 6-3 The Proposed Project is consistent with Bureau of Land Management (BLM) goals to restore the lower Clear Creek Corridor. The BLM has expressed interest in obtaining ownership of the property at Saeltzer Dam once the dam has been removed from the site. The CDFG will likely transfer ownership to the BLM following completion of the Proposed Project. We assume that the BLM will manage this land appropriately as described in their resource plans.
- 6-4 Thank you for your comment. No response is necessary.
- 6-5 As noted on page 3-33 of the EA/IS, sediments removed from the dam will be placed on a terrace above the floodplain, covered with top soil, and revegetated. Sediment will likely be placed in areas without existing vegetation, potentially including dredge tailings.
- The Lower Clear Creek Floodway Rehabilitation Project has identified mine tailings as a valuable source of material for use in rehabilitating areas of the creek channel and floodplain that have been seriously degraded by past mining activities. That project is currently using mine tailings available on public lands within the lower Clear Creek corridor to restore a severely degraded 1.6-mile long section of lower Clear Creek located downstream of Saeltzer Dam. Borrow sites, from which mine tailings are to be removed, are also being restored by creating additional wetland and upland habitats. Fine sediments that will be removed from behind Saeltzer Dam will be spread on existing road surfaces on the south side of the project and will be revegetated with native species.
- 6-6 The downstream stability buttress will be constructed of spawning gravel and will be left in place following removal of the dam. If necessary, the buttress will be notched to allow fish passage after dam removal. The resource agencies are currently planning to release a flushing flow downstream of Whiskeytown Dam during normal winter flood control operations to assist distribution of the spawning gravels that form the stability buttress downstream. It is anticipated that winter flows will be sufficient to push the gravel downstream, removing the need for additional work on the buttresses.
- 6-7 Thank you for your comment. No response is necessary.



7

July 12, 2000

Michael Ryan, Area Manager
 U.S. Bureau of Reclamation
 Northern California Area Office
 16349 Shasta Dam Boulevard
 Shasta Lake City, CA 96019-8400

Don Koch, Regional Manager
 California Department of Fish and Game
 601 Locust Street
 Redding, CA 96001

TO:
 Buttern
 FROM:
 JOHN

Dear Sirs:

The Sacramento River Preservation Trust (Trust) has done a cursory review of the Joint Environmental Assessment/Initial Study (JEA/IS) Public Draft of the Saeltzler Dam Fish Passage and Flow Protection Project and would like to make the following comments.

- 7-1 { 1) On page 1-4, under 1.2.1 Project Need, in reference to an Instream Flow Preservation Agreement, it is stated that "CDFG, USFWS and Reclamation would enter into an agreement to ensure that Reclamation's future bypasses or releases at Whiskeytown Dam are, at a minimum, equivalent to the bypasses or releases made pursuant to the existing informal agreement among Reclamation, USFWS, and the National Park Service (NPS)." Please indicate **when** this agreement would be entered into and **what** the current bypasses/releases are, as well as providing a definition of the word "informal."
- The next bullet on the same page referenced above indicates additional fisheries habitat made available during flow releases of 200 cfs. What is the relationship of this statement to the agreement highlighted above?
- 7-2 { 2) On page 1-7, 1.3.2 Water Exchange, it is stated that "Reclamation has entered into an agreement with the shareholders of the TFWDC to modify their existing water right ... within Shasta County." Perhaps we overlooked it, but it appears that a copy of this agreement is not included in the JEA/IS. The Trust hereby requests that this document be included as an appendix.

P.O. Box 5366, Chico, CA 95927
 (530) 345-1865



Letter from Sacramento River Preservation Trust Dated July 12, 2000

7-1 The Instream Flow Preservation Agreement is a component of the Proposed Project and will be entered into prior to approval of this project. The agreement will provide for minimum flow releases of:

- 50 cfs from January 1 through October 31 (all water years)
- 100 cfs from November 1 through December 31 (normal water years)
- 70 cfs from November 1 through December 31 (critical water years)

Since approximately 1964, Reclamation has been operating Whiskeytown Dam and Reservoir in accordance with an informal agreement with USFWS and the National Parks Service (NPS). The word "informal" simply refers to the fact that this agreement was never signed by the resource agencies and therefore was not formalized.

7-2 The agreement was not finalized at the time of publication of the Public Draft EA/IS. A copy of the agreement is included as Appendix C of this document.

7-3

3) On page 4-3, 4.1.2 Potential Water Transfers, there is a reference to the Muletown Tunnel as it relates to the provision of 900 acre-feet that would be made available annually to CCSD. We were unable to identify the location of this tunnel on the maps provided in the JEA/IS and hereby request that it be clearly identified somewhere in the document, most logically as part of Figure 3-6.

7-4

4) Also on page 4-3, 4.2 Growth-Inducing Impacts, it is stated that the 900 acre-feet provided to CCSD would be used to "accommodate existing demands, and would potentially be used to accommodate planned growth within the CCSD rather than induce growth." Please give a definition of the word "planned" as used in this context.

Overall, the Trust is very excited about this project and believes it should move forward with all due haste. We look forward to your response to our comments above. Should you have any questions, please don't hesitate to contact us.

Sincerely,



John Merz
Chair, Board of Directors

cc: Interested parties

Letter from Sacramento River Preservation Trust Continued

- 7-3 An amended version of Figure 3-6 is included in this document showing the location of the Muletown Conduit (Appendix D).
- 7-4 The Centerville CSD maintains forecasts of growth within the District. Planned growth refers to growth anticipated by the District.



8

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Buford Holt
Bureau of Reclamation
6349 Shasta Dam Boulevard
Shasta Lake CA 96019
bholt@mp.usbr.gov.

7/11/00

Dear Mr. Holt,

This letter is to express the support of International Rivers Network (IRN) for the removal of the McCormick-Saeltzer dam. IRN is an international environmental and human rights group. We work with a global network of people who are working to protect their rivers and watersheds. We work to halt destructive river development projects and to encourage equitable and sustainable methods of meeting needs for water, energy and flood management. With our River Revival project IRN promotes the restoration of rivers through dam decommissioning.

IRN supports the removal of the McCormick-Saeltzer dam for many reasons. First, removal of the dam will restore habitat for threatened salmon and steelhead, as well as riparian habitat for numerous wildlife species. Dam removal is consistent with the Bureau of Land Management's goals to restore public recreation opportunities, and protect scenic and natural values along the creek. Dam removal will also increase public safety by removing an attractive but dangerous nuisance and eliminate the possibility of future catastrophic dam failure.

- 8-1 { Once the dam is removed, the Bureau of Reclamation should follow the recommendations of the Anadromous Fish Restoration Plan and adopt instream flows of at least 200 cfs to fully restore fish habitat in Clear Creek. Gravel and sediment removed from behind the dam should be used to reclaim mine tailings along the creek, and ensure restoration of scenic and recreation values.
- 8-2 { Finally, we do not feel that those currently indirectly benefiting from seepage from the dam's diversion ditch should be compensated for the loss of water they do not own or purchase.

Thank you for taking the time to read our comments. Should you have any questions feel free to contact our office at the number given below.

Sincerely,

Elizabeth Brink
River Revival Coordinator

Linking Human Rights and Environmental Protection

1847 Berkeley Way Berkeley, CA 94703 USA (510) 848-1155 (510) 848-1008 fax
www.irn.org



Letter from International Rivers Network Dated July 11, 2000

8-1 Please see Response 6-2.

8-2 Please see Response 6-7.

9

From: "Richard Baumann" <rlb@snowcrest.net>
To: "Harry Rectenwald" <hrectenw@DFG.CA.gov>, "Buford Holt" <bholt@mp.usbr.gov>
Date: 6/16/00 4:04PM
Subject: Comments on "Saeltzer Dam: Fish Passage and Flow Protection Project" document

Gentlemen:

I will be in New York State and unable to attend the June 22nd public meeting, but I read the entire document this afternoon and want to compliment you on its completeness. I could not find any areas that haven't been adequately addressed as far as negative impacts.

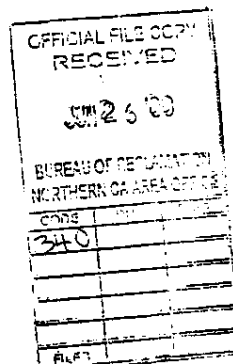
As you well now, I have been an advocate of solving the Saeltzer Dam fish passage problem as soon as possible and I have worked with several fisheries conservation organizations toward that end. All of us are pleased that the dam removal now appears to be on a "fast track." We look forward to that joyous day when salmon and steelhead will be able freely spawn all the way to Whiskeytown Dam.

9-1 { The document, by its nature, focuses more on the potential negative consequences of the dam removal. But, to me, it understates how important the establishment of steelhead and Spring-run salmon populations are to the overall salmonid restoration efforts in our state, and in the country as a whole. We are talking about VERY significant numbers of fish here, in an almost perfect environment as far as water quality, temperature and flows are concerned. And then, of course, there will be further significant increases for the Fall and late Fall run Chinook. Small wonder that Lower Clear Creek has been long considered a "slam dunk" by those in the fisheries restoration business. I am personally very pleased that the "slam dunk" finally appears to be nearing reality. In a few years, when these new salmon and steelhead runs are established and self-sustaining, it will be a source of great pride to all of us in the area. Having the only westside Sacramento River tributary with 3 races of salmon, plus steelhead, plus rainbow trout makes Redding and the surrounding area a much more "valuable" place. And it demonstrates that all the various government fisheries restoration programs CAN produce significant results.

9-2 { I fully support the finding of "no significant impact" and look forward to talking to you when I return from my trip.
Richard Baumann

Letter from Richard Baumann Dated June 16, 2000

- 9-1 Thank you for your comment. No response is necessary.
- 9-2 Thank you for your comment. No response is necessary.



CI947957
1995 581-C3

NEW HOGAN LAKE CONSERVANCY

June 24, 2000

Saeltzer Dam MOU discussions

Dear Interested Parties;

The Conservancy and the Calaveras River Steering Committee support the use of funds to reopen Clear Creek to enhance anadromus spawning/nursery area below Whiskeytown Dam. We are working on anadromus projects in San Joaquin and Calaveras counties to enhance that fishery.

Pre 1970 projects have decimated fishery runs due to the loss of habitat and over-contracting of water to all of the various water agencies without regard to fishery needs, water quality, delta flow and bedload transport (gravel).

We support this important long needed action with two major reservations prior to signing final agreement.

- 10-1 { 1. Pre 1914 water may not be sold and transferred out of district or county unless 50% is returned for fish/wildlife use and the district pays no storage fee on that 50%. All water moved out of district comes under post 1914 regs. Post 1914 water contracts also follow this pattern.
- 10-2 { 2. The payment of \$2.5 million should be reduced by \$.5 million. There is no need to waste tax dollars to buy a contract stipulation (promise) not to build what is to be permanently removed. There is no need to pay for that ground below highwater mark (of creek) as the channel and fish are public domain. Fishery enhancement needs can be protected by the ESA Threatened Steelhead rules in effect June 19, 2000.

We thank Townsend Water District for their assistance in fishery restoration and hope they don't insist on selling us a high priced Chevy at a Lexus price.

Respectfully;

John C. Raine
John C. Raine

cc: BOR Tegelman
NMFS Smith

John C. Raine, Project Manager
7311 Stabulis Road, Valley Springs, CA 95252 (209) 786-2470
Non Profit

Letter from New Hogan Lake Conservancy Dated June 24, 2000

- 10-1 Thank you for your comment. No response is necessary. Please see Appendix C for the latest version of the agreement.
- 10-2 Thank you for your comment. No response is necessary. Please see Appendix C for the latest version of the agreement.

11

From: cbeef <cbeef@ix.netcom.com>
To: <bholt@mp.usbr.gov>
Date: 6/27/00 10:32PM
Subject: Support for the removal of McCormick-Saeltzer dam

Please help bring down the McCormick-Saeltzer dam. We need to address the cost of the 'free ride' we give a few landholders when we allow the obvious candidates for dam removal to remain in place.
Remember -

... Removal of the dam will restore habitat for threatened salmon and steelhead, as well as riparian habitat for numerous wildlife species.

11-1 { ... Dam removal should be consistent with the Bureau of Land Management's goals to restore public recreation opportunities, and protect scenic and natural values along the creek.

... Dam removal will also increase public safety by removing an attractive but dangerous nuisance and eliminate the possibility of future catastrophic dam failure.

11-2 { ... Once the dam is removed, the Bureau of Reclamation should adopt instream flows of at least 200 cfs to fully restore fish habitat in Clear Creek, as recommended by the Anadromous Fish Restoration Plan.

11-3 { ... Gravel and sediment removed from behind the dam should be used to reclaim mine tailings along the creek, and ensure restoration of scenic and recreation values.

11-4 { ... Those indirectly benefiting from seepage from the dam's diversion ditch should not be compensated for the loss of water they do not own or purchase.

If we clean up as we go along, we'll end up with a mix of spectacular land and efficient use of resources.

Charles Kuhn, PE
Kuhn & Kuhn

Letter from Charles Kuhn, PE Dated June 27, 2000

- 11-1 Please see Response 6-3.
- 11-2 Please see Response 6-2.
- 11-3 Please see Response 6-5.
- 11-4 Please see Response 6-7.

Corley Phillips 12
9743 Weddington Circle Granite Bay CA 95746

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BUREAU OF RECLAMATION NORTHERN CALIFORNIA DIVISION	
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June 27, 2000

Buford Holt
 Bureau of Reclamation
 16349 Shasta Dam Boulevard
 Shasta Lake CA 96019

Dear Mr. Holt:

I am writing in support of removing the McCormick-Saeltzer dam on Clear Creek.

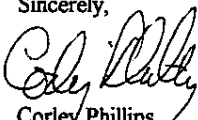
Removal of the dam will restore habitat for threatened salmon and steelhead, as well as riparian habitat for numerous wildlife species. As an avid fisherman, I am particularly encouraged by the California Department of Fish and Game estimates that the Clear Creek fishery could be tripled if habitat is restored by removing the dam and increasing instream flows.

- 12-1 { Once the dam is removed, I also urge the Bureau of Reclamation should adopt instream flows of at least 200 cfs to fully restore fish habitat in Clear Creek, as recommended by the Anadromous Fish Restoration Plan.

According to the California Department of Water Resources, the 88 year-old dam's structural integrity is questionable and its removal would eliminate potential catastrophic failure in a future flood. In addition, the dam poses a public safety hazard that has resulted in numerous injuries and fatalities to swimmers and other recreationists attracted to the unsafe site.

- 12-2 { This is a dam that clearly should go, so I was outraged to hear that those indirectly benefiting from seepage from the dam's diversion ditch are requesting compensation. No one should be compensated for the loss of water they do not own or purchase.

Sincerely,


 Corley Phillips

(916) 774 2741 phone

(916) 783 9033 fax

corley@us.net

Letter from Corley Phillips Dated June 27, 2000

12-1 Please see Response 6-2.

12-2 Please see Response 6-7.

13

6/27/00

Dear Buford Holt

I support the removal of McCormick-Saeltzer dam. Its removal will restore habitat for threatened salmon and steelhead and other wildlife species.

Removal of the dam will also increase public safety and eliminate the possibility of future catastrophic dam failure.

13-1 { Once the dam is removed, the Bureau of Reclamation should adopt instream flows of at least 200 cfs to restore fish habitat in Clear Creek, as recommended by the anadromous fish restoration plan.

13-2 { Those indirectly benefiting from seepage from the dam's diversion ditch should not be compensated for the loss of water they do not own or purchase.

yours truly
Greg Lingelbach

1113 ERIN WAY
CAMPSIDE CO 95008
(408) 369-1649

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BUREAU OF RECLAMATION NORTHERN CALIFORNIA DIVISION		
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Letter from Greg Ungelback Dated June 27, 2000

13-1 Please see Response 6-2.

13-2 Please see Response 6-7.

14
960 Vista de la Mesa Drive
Santa Barbara, Ca. 93110
29 June 2000

FEDERAL RECEIPT RECEIVED		
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Buford Holt
Bureau of Reclamation
16349 Shasta Dam Boulevard
Shasta Lake, Ca 96019

Re: Removal of the McCormick-Saeltzer Dam

Sir:

I am writing to support the removal of the McCormick-Saeltzer Dam. I understand that, according to the California Department of Water Resources, the structural integrity of this 88 year-old is questionable, and its removal would eliminate potential catastrophic failure in a future flood. In addition, the dam poses a public safety hazard that has resulted in numerous injuries and fatalities to swimmers and others attracted to the site.

- 14-1 { In addition to these issues of safety and obsolescence, I know that removal of the dam has the potential for restoring both habitat for threatened salmon and steelhead, as well as riparian habitat for numerous wildlife species. (I am assuming that any plan for dam removal will be consistent with the Bureau of Land Management's goals to restore public recreation opportunities, and protect scenic and natural values along the creek.)
- 14-2 { Further, in order to maximize the potential for restoration of habitat for steelhead and salmon, I support the adoption of instream flows of at least 200 cfs in Clear Creek. (This level recommended by the Anadromous Fish Restoration Plan.)
- 14-3 { Finally, I strongly believe that those indirectly benefiting from seepage from the dam's diversion ditch have invalid claims for loss of water they do not own or have not purchased.

Thank you for your kind consideration.

Yours truly,

Valerie F. Olson

Valerie F. Olson

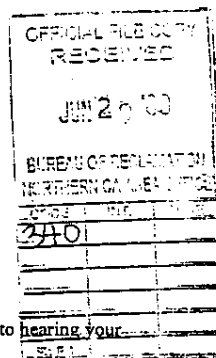
Letter from Valerie F. Olson Dated June 29, 2000

14-1 Please see Response 6-3.

14-2 Please see Response 6-2.

14-3 Please see Response 6-7.

15



June 25, 2000

Buford Holt
Bureau of Reclamation
16349 Shasta Dam Boulevard
Shasta Lake, CA 96019

Dear Mr. Holt:

I am writing to urge you to consider removing the McCormick-Saeltzer Dam and look forward to hearing your comments back on this issue.

California has many dams and some of these structures are no longer needed, uneconomical, and environmentally damaging—McCormick-Saeltzer is one of them

15-1

Removing the dam will restore habitat for threatened salmon and steelhead, as well as riparian habitat for numerous wildlife species. If and once the dam is removed, the Bureau of Reclamation should adopt instream flows of at least 200 cfs to fully restore fish habitat in Clear Creek, as recommended by the Anadromous Fish Restoration Plan.

These two steps along with a few other approaches will have the most positive benefit for future fisheries and Clear Creek.

Again, I look forward to hearing your position on this issue.

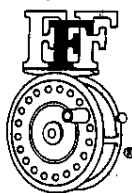
Sincerely,

Traci Sheehan

5531 Bassi Road
Lotus, CA 95651

Letter from Traci Sheehan Dated June 25, 2000

15-1 Please see Response 6-2.



FEDERATION OF FLY FISHERS™
Conserving • Restoring • Educating Through Fly Fishing
Northern California Council

July 5, 2000

Buford Holt
 Bureau of Reclamation
 16349 Shasta Dam Boulevard
 Shasta Lake CA 96019

Subject: Comments on McCormick-Saeltzer Dam EIR

The Northern California Council of the Federation of Fly Fishers represents over 30 affiliated clubs and thousands of anglers. Our members are not only interested in fishing, but they are frequently involved in river and stream restoration projects. We have been actively supporting the removal of McCormick-Saeltzer Dam. Following are our comments on the EIR for this important project.

- The removal of this dam is an important priority for restoration of our fisheries. Removal will restore habitat for threatened salmon and steelhead, as well as riparian habitat for numerous wildlife species.
- The dam is a public nuisance. Removal will avoid potential injuries at the site and will eliminate the possibility of catastrophic failure.
- 16-1 { • The actual removal should be done in a way that is consistent with BLM's goals to restore public recreation opportunities. The completed project should restore scenic and natural areas along the creek.
- 16-2 { • In meetings we have attended, the Department of Fish and Game has highlighted the need for increased minimum flows in Clear Creek to support fish restoration. Once the dam is removed, the Bureau of Reclamation should adopt instream flows of at least 200 cfs to fully restore fish habitat in Clear Creek.
- 16-3 { • Gravel and sediment removed from behind the dam should be used to ensure restoration of scenic and recreational values.
- 16-4 { • We are outraged that current beneficiaries of ditch seepage would claim rights to water or compensation for loss of water. Those who have benefited from ditch seepage should not be compensated for the loss of water they have never owned or purchased.

16

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Letter from Federation of Fly Fishers Dated July 5, 2000

- 16-1 Please see Response 6-3.
- 16-2 Please see Response 6-2.
- 16-3 Please see Response 6-5.
- 16-4 Please see Response 6-7.

Respectfully submitted,



Robert N. Ferroggiaro
Vice President, Conservation
Northern California Council - Federation of Fly Fishers
9270 Oak Leaf Way
Granite Bay, CA 95746
Tel (916) 791-6391
E mail rferro@ns.net

Letter from Federation of Fly Fishers Continued

Buford Holt - California Citizen Andy Jones strongly encourages the removal of McCormick-Saeltzer dam

Page 1

17

From: "Andrew O. Jones" <aojones@ucdavis.edu>
To: <bholt@mp.usbr.gov>
Date: 7/6/00 3:46PM
Subject: California Citizen Andy Jones strongly encourages the removal of McCormick-Saeltzer dam

Buford Holt
 Bureau of Reclamation,
 16349 Shasta Dam Blvd,
 Shasta Lake, California 96019

Dear Mr Holt:

17-1 {

As a Californian who greatly treasures free-flowing rivers, streams and creeks, and who would like to preserve the majesty of our state's waterways for future generations, I strongly encourage the Bureau of Reclamation to remove the McCormick-Saeltzer dam. Obviously removal of this dam will restore the habitat and homes of the endangered salmon and steelhead in this area, as well as habitat for many other species of wildlife. Furthermore, I believe the removal of this dam is consistent with the BLM's plans to restore recreation opportunities and protect natural and scenic values along the creek.

Please let me know what action you will take on this important matter.

Sincerely Yours,

Dr. Andrew Jones
 3686 El Segundo Avenue
 Davis, CA 95616

Letter from Dr. Andrew Jones Dated July 6, 2000

17-1 Please see Response 6-3.

18

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Buford Holt

B. of Reclamation

16345 Jesta Oak Boulevard

Jesta Oak CA 96015.

JRS.

The dam should come out.

Restore The Salmon River.

18-1 { Keep 200 CFS in the river for
Salmon.

18-2 { When McCormick-Saeltzer Dam is
Removed use the grant for Reclaiming
mini tailings along the Creek.
Cal Fed recommends the Removal of this
Dam.

Thanks

Kay Sullivan

938 Ripley St.

Santa Rosa CA 95404

Letter from Kay Sullivan Undated

18-1 Please see Response 6-2.

18-2 Please see Response 6-5.